

 ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/13/20

~~PROPOSED~~ STIPULATED ORDER TO EXTEND DEADLINES

LLS

WHEREAS Plaintiffs Federal Trade Commission and the People of the State of New York by Letitia James, Attorney General of the State of New York ("Plaintiffs") and Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen Inc., Quincy Bioscience Manufacturing, LLC, and Mark Underwood (collectively, "Defendants") (Plaintiffs and Defendants, collectively, "Parties") have met and conferred with respect to the permissibility and

scope of Defendants' Revised Rule 30(b)(6) Notices of Deposition to Plaintiffs and are at an impasse with respect to Defendants' Revised Notices;

WHEREAS Plaintiffs intend to file letter-motions requesting a pre-motion discovery conference pursuant to Local Civil Rule 37.2 seeking protective orders in response to Defendants' Revised Rule 30(b)(6) Notices of Deposition to Plaintiffs ("Plaintiffs' Anticipated Letter-Motions");

WHEREAS the Stipulated Order to Extend the Deadline for Rule 30(b)(6) Depositions of Plaintiffs (ECF. No. 130) provides that the deadline for Defendants to complete any Rule 30(b)(6) depositions of Plaintiffs is October 30, 2020; and

WHEREAS there have been four prior extensions of various case deadlines in this matter, which this Court has granted in Orders dated March 6, 2017 (to allow Defendants to file a Motion to Dismiss), March 20, 2020 (to allow Defendants to complete document production), June 8, 2020 (to provide for conducting depositions remotely in light of the COVID-19 pandemic, and September 16, 2020 (to allow the Parties to continue to meet and confer on any Rule 30(b)(6) depositions of Plaintiffs and to extend the deadline for such depositions).

IT IS HEREBY STIPULATED AND AGREED between and among the Parties, by and through their undersigned counsel, as follows:

1. **Briefing Schedule for Plaintiffs' Anticipated Letter-Motions:** Plaintiffs shall file their Anticipated Letter-Motions by October 20, 2020. Defendants shall file their responses

to Plaintiffs' Anticipated Letter-Motions by October 27, 2020. Plaintiffs shall file their replies by November 3, 2020.

2. **Rule 30(b)(6)Depositions:** The deadline for Defendants to complete any Rule 30(b)(6) depositions of Plaintiffs shall be extended from October 30, 2020 up to and including a date twenty-one (21) days after the Court makes a final ruling regarding the protective orders. However, the Parties agree that any Rule 30(b)(6) depositions of Plaintiffs will not proceed until the Court rules regarding the protective orders. No additional discovery shall be served except for discovery that arises out of any Rule 30(b)(6) depositions of Plaintiffs and/or the negotiations regarding the Rule 30(b)(6) notices.

3. **Status Conference:** The Status Conference currently set for November 9, 2020 at 3:00 p.m. is adjourned to December 14, 2020 at 2 p.m. LLS

SO STIPULATED:

Dated: New York, New York
October 13, 2020

FEDERAL TRADE COMMISSION

PEOPLE OF THE STATE OF NEW YORK
BY LETITIA JAMES

/s/ Annette Soberats
MICHELLE RUSK
ANNETTE SOBERATS
EDWARD GLENNON
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20850
202-326-3148, mrusk@ftc.gov
202-326-2921, asoberats@ftc.gov
202-326-3126, eglennon@ftc.gov
202-326-3259 (facsimile)

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

LETITIA JAMES
Attorney General of the State of New York

By: /s/ Kate Matuschak
JANE M. AZIA
Bureau Chief
KATE MATUSCHAK
Assistant Attorney General
STEPHEN MINDELL
Special Assistant Attorney General
Consumer Frauds and Protection Bureau
28 Liberty Street
New York, NY 10005
Tel: (212) 416-6189; Fax: (212) 416-6003
Email: kate.matuschak@ag.ny.gov

FOR KELLEY DRYE

FOR COZEN O'CONNOR

/s/ Geoffrey W. Castello

/s/ Michael B. de Leeuw

Geoffrey W. Castello, III.
Glenn T. Graham
Jaclyn M. Metzinger
Kelley Drye & Warren LLP
101 Park Avenue
New York, NY 10178
(212) 808-7800
gcastello@kelleydrye.com
ggraham@kelleydrye.com
jmetzinger@kelleydrye.com

Michael B. de Leeuw
Tamar S. Wise
Cozen O'Connor
45 Broadway Atrium, Suite 1600
New York, NY 10006
(212) 908-1331
mdeleeuw@cozen.com
twise@cozen.com

*Attorneys for Defendant
Mark Underwood*

*Attorneys for Defendants
Quincy Bioscience Holding Co., Inc.,
Quincy Bioscience, LLC,
Prevagen Inc., and
Quincy Bioscience Manufacturing, LLC*

SO ORDERED, this 13th day of

October, 2020,

Louis L. Stanton
LOUIS STANTON
UNITED STATES DISTRICT JUDGE